

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GRAND JURY PROCEEDINGS

Grand Jury Room No. 2
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Thursday, July 30, 1998

The testimony of NELSON ULYSSES GARABITO was taken
in the presence of a full quorum of Grand Jury 97-5,
impaneled on December 5, 1997, commencing at 10:22 a.m.,
before:

TIMOTHY SUSANIN
TERRENCE GALLIGAN
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490 North
Washington, D.C. 20004

1 BY MR. SUSANIN:

2 Q It's Mr. Garabito is how you pronounce that; is
3 that right?

4 A That's correct.

5 Q And you are a Special Agent with the PPD in the
6 Secret Service?

7 A Yes, sir.

8 Q Sir, we just met briefly outside, let me
9 reintroduce myself. My name is Timothy Susanin. I'm an
10 Associate Independent Counsel. To my left is my colleague
11 from the Independent Counsel's Office, Terrence Galligan.
12 Across from me is the court reporter and to Mr. Galligan's
13 left are two members of the grand jury, and the ladies and
14 gentlemen to your right there comprise the rest of the grand
15 jury that you're testifying in front of today.

16 Before we begin, I briefly want to review some
17 rights and obligations you have as a witness before the grand
18 jury today.

19 First, as our Deputy Foreperson has already stated,
20 we are going to ask you to keep your voice elevated so
21 everyone in the back can hear. We are also going to ask that
22 you give us verbal answers as opposed to nods or shrugs so
23 that the court reporter can take everything down.

24 As you know, you were just sworn in, you're under
25 oath. You have an obligation to testify truthfully before

Page 2

1 PROCEEDINGS

2 Whereupon,

3 NELSON ULYSSES GARABITO

4 was called as a witness and, having been first duly sworn by
5 the Foreperson of the Grand Jury, was examined and testified
6 as follows:

7 EXAMINATION

8 BY MR. SUSANIN:

9 Q Good morning, sir.

10 A Good morning.

11 Q Could you please state your full name for the
12 record?

13 A Nelson Ulysses Garabito.

14 Q Could you spell your last name for us?

15 A G-a-r-a-b-i-t-o.

16 Q We've been misspelling your name, so I've got to
17 write this down.

18 A JUROR: Could you spell that again?

19 BY MR. SUSANIN:

20 Q Once more.

21 A Last name is Garabito, G-a-r-a-b-i-t-o.

22 THE DEPUTY FOREPERSON: Sir, we would ask you to
23 keep your voice up. The lady in the back also has to hear
24 every one of your answers.

25 THE WITNESS: Thank you.

Page 4

1 the grand jury. Do you understand that, sir?

2 A Yes, I do.

3 Q And do you understand that includes not misleading
4 the grand jurors in any way. For instance, saying you don't
5 know or you don't remember something when in fact you do know
6 or do remember that something. Do you understand that?

7 A Yes, I do.

8 Q You have the right to counsel. You do not have the
9 right to have counsel in the room with you here, but you do
10 have the right to have counsel outside and to stop the
11 proceedings if you feel you need to go out and consult with
12 your attorney or attorneys. Do you understand that?

13 A Yes, I do.

14 Q And is Mr. Tom Dougherty, D-o-u-g-h-e-r-t-y, here
15 from Secret Service Counsel's Office on your behalf today?

16 A Yes, he is.

17 Q And there is another attorney by the name of Matt
18 from the Office as well?

19 A That's correct.

20 Q What's his last name?

21 A Spades? Spaeta? Something along those lines.

22 Q Are there any other Secret Service attorneys here
23 on your behalf, sir?

24 A No, sir.

25 Q And do you have a private attorney that you've